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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,510	02/08/2002	Edwin Clark	MRI-027RCE	3451

959 7590 01/24/2008
LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2127

EXAMINER

RAWLINGS, STEPHEN L

ART UNIT	PAPER NUMBER
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1643

MAIL DATE	DELIVERY MODE
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01/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10071510	2/8/02	CLARK ET AL.	MRI-027RCE

LAHIVE & COCKFIELD, LLP
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BOSTON, MA 02109-2127

EXAMINER

Stephen L.. Rawlings, Ph.D.

ART UNIT	PAPER
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1643

20080112

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Response to Rule 312 Communication	Application No.	Applicant(s)	
	10/071,510	CLARK ET AL.	
	Examiner	Art Unit	
	Stephen L. Rawlings, Ph.D.	1643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 17 December 2007 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

Having filed a petition under 37 C.F.R. § 1.48(a) to correct inventorship, Applicant has effectively filed an amendment under 37 C.F.R. § 1.312, which seeks to change the inventorship by adding two inventors, which were previously omitted by error and without any deceptive intent on their parts; even so, no amendment may be made as a matter of right in an application after the mailing of the notice of allowance. M.P.E.P. § 201.03 states: "Although 37 CFR 1.48 does not contain a diligence requirement for filing the request, once an inventorship error is discovered, timeliness requirements under 37 CFR 1.116 and 37 CFR 1.312 apply". Because the addition of two inventors would raise new issues that would require further search and/or consideration, so as to determine if the claims are now allowable, and particularly where any ground of nonstatutory obviousness-type double patenting rejection might apply after the addition of inventors Robert C. Bast, Jr., and Godon B. Mills, the petition is dismissed and the amendment will not be entered. See M.P.E.P. § 714.16.

Applicant is advised that in accordance with M.P.E.P. § 201.03, for allowed applications where the issue fee has been paid prior to the entry of a request under 37 C.F.R. § 1.48, if the request under 37 CFR 1.48 is dismissed or denied in an Office action, the application must be withdrawn from issue so that applicant would be given time to correct the defect(s).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is (571) 272-0836. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, Ph.D. can be reached on (571) 272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Stephen L. Rawlings/
Stephen L. Rawlings, Ph.D.
Primary Examiner, Art Unit 1643